

ESTTA Tracking number: **ESTTA670512**

Filing date: **05/05/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214578
Party	Defendant LeMar Xavier Lewis
Correspondence Address	LEMAR XAXIER LEWIS 33 WEST TRADE STREET , UNIT 100 CHARLOTTE, NC 27708 UNITED STATES lemarlewis@hotmail.com
Submission	Other Motions/Papers
Filer's Name	LeMar Lewis
Filer's e-mail	lemarlewis@hotmail.com
Signature	/LeMar Lewis/
Date	05/05/2015
Attachments	Thoro First Production of Documents.pdf(4787029 bytes) Applicants Response To Opposers Interrogatories 1-16.pdf(116808 bytes)

WITNESS STATEMENT

Name: CHARLIE S. LEWIS JR

I, CHARLIE, swear or affirm:

That I personally know Lemar Lewis and he was actively marketing, selling and producing his Thoro mark on clothing, apparel and marketing materials in Fall 2001.

I SWEAR OR AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

10/30/2014
Date

Charles S Lewis Jr.
Name

WITNESS STATEMENT

Name: Rasheed Wiggins

I, Rasheed Wiggins, swear or affirm:

That I personally know Lemar Lewis and he was actively marketing, selling and producing his Thoro mark on clothing, apparel and marketing materials in Fall 2001.

I also purchased clothing in Fall 2001 from Lemar Lewis that contained the Thoro mark on the clothing.

I SWEAR OR AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

10/30/14
Date

Rasheed Wiggins
Name



TRADEMARK

Trademarks

Reports

Administration

X Sign Out

Trademark Registrations

Trademark Registration#: 7948

Search

 Mark Type: ☒ Trademark ☐ Service Mark ☐ Livestock ☐ Word Mark

Applicant Name: LeMar & Lewis

Address Line 1: 3355 Lake Tiny Circle

Address Line 2:

City: Orlando

State: FL

Zip: 29687

Country:

Mailing Address

Trademark Information

State Organized:

Trademark Name: Thoro

Mark Description: The word "Thoro" written with the "T" passing through the middle of the top portion of the letter "h" followed by the letters "o-r-o" all connected through cursive style script.

Goods or Services:

Trademark Classes: +

Date of 1st Use:

Date of 1st Use in SC:

Registered Date: 12/31/2002

Expiration Date: 12/31/2007

Last Renewal Date: +

Last Assignment Date: +

Notes: ** Migrated Classes:--Trademark # 25

Payment Information

Method	Amount	Check #
Cash <input checked="" type="checkbox"/>	0.00	

Total Charge: \$ 0.00

Total Paid: \$ 0.00

Balance: \$ 0.00

12/31/2002

Trademark Logo

 Browse...

Save

Scanning

Certificate

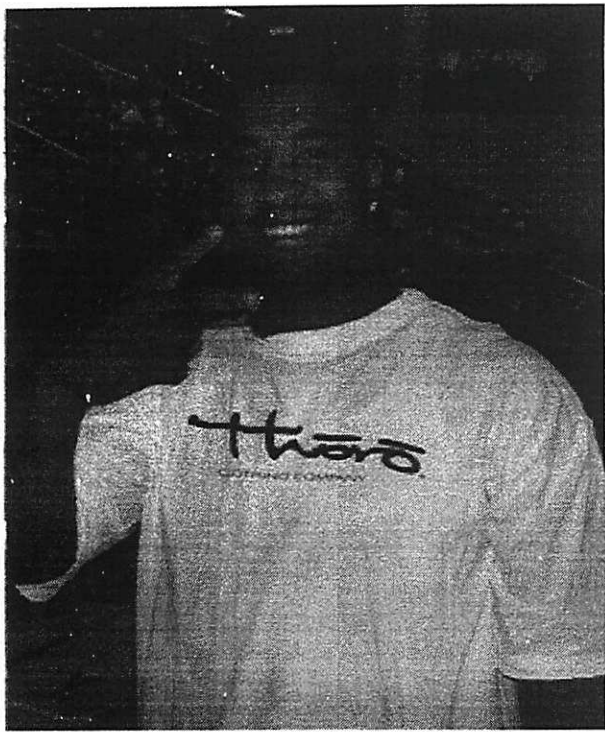
THO 00003



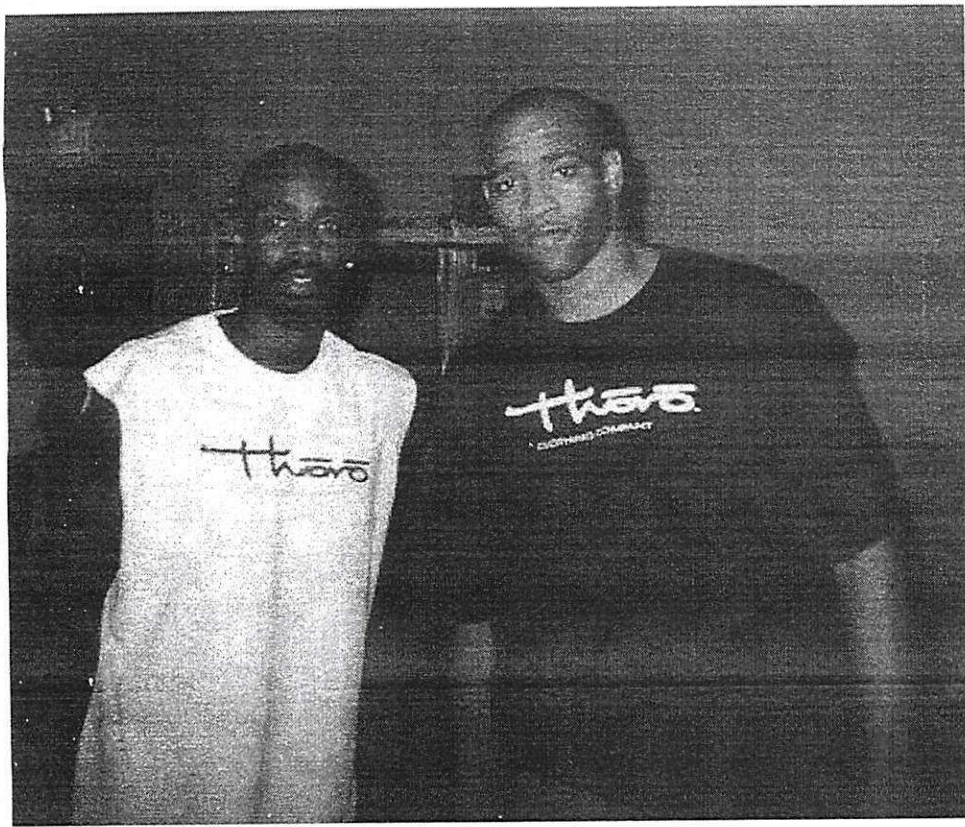
THO 00004



THO 00005



THO 00006



THO 00007

Fitted Hat

Retail Price
\$21.99
Wholesale
\$9.00



100% Acrylic Flat & Billed
Sizes: 7, 7 1/4, 7 1/2, 8

Tank Top

Retail Price
\$24.99
Wholesale
\$9.00



100% Pima Cotton, Embroidered Logo
Sizes: L, XL, 2XL
Colors - Black, White

THORO CLOTHING COMPANY

WWW.ThoroWear.com | PH: 407.920.5806 | Lemar@ThoroHats.com

Mail To:
333 W. TRADE ST.
SUITE 210
CHARLOTTE, NC. 28202

Stuntin

Skull Head Shirt

Signature Shirt

**STUNTIN
IS A
HABIT...**

Retail Price
\$24.99
Wholesale
\$9.00



Retail Price
\$49.99
Wholesale
\$20.00

thoro
Clothing Company

Retail Price
\$24.99
Wholesale
\$9.00

100% Cotton Printed Logo
Sizes L, XL, 2XL, 3XL

100% Cotton
Sizes L, 2XL, 3XL,

100% Double Stitched Cotton
Sizes L, 2XL, 3XL, 4XL

Keep It Thoro Rhinestone T-Shirt

Face Fear

Keep It Thoro T-Shirt



Retail Price
\$99.99
Wholesale
\$40.00

100% Cotton
Swarovski Crystals
Sizes L, XL, 2XL, 3XL



Retail Price
\$49.99
Wholesale
\$20.00

100% Cotton
Sizes L, XL, 2XL, 3XL



Retail Price
\$24.99
Wholesale
\$9.00

100% Cotton, Printed Logo
Sizes L, XL, 2X, 3X

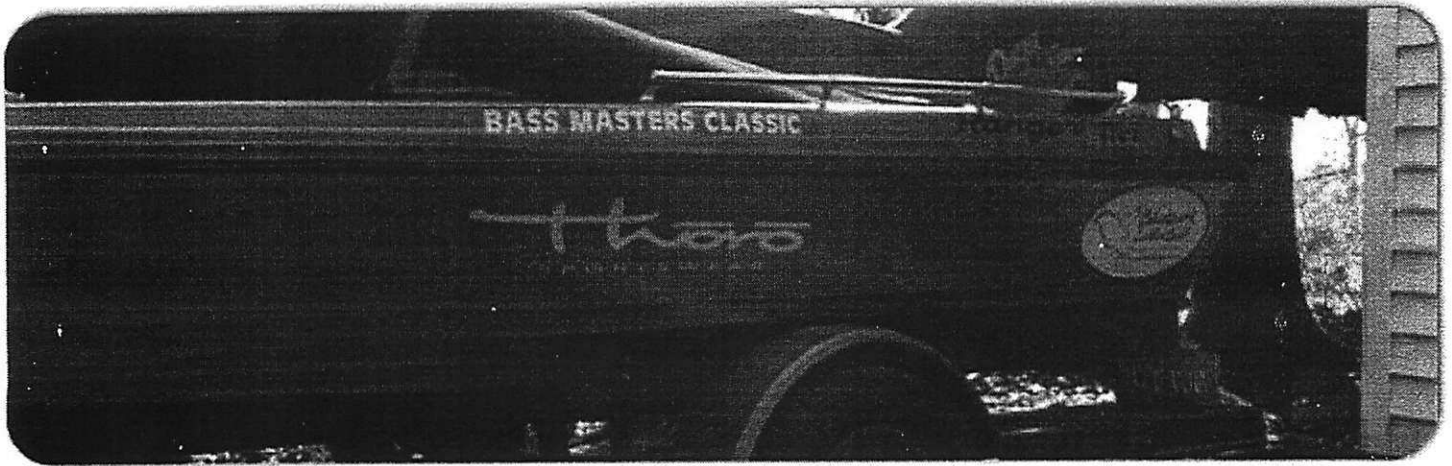
Order NOW! Call 407-920-5806

info@thorowear.com

www.ThoroWear.com

thoro Clothing Company

Graphics Provided By: Nimbus-MediaGroup.com



OCTOBER 31, 2013 / POSTED IN FOLIO / PRINT MEDIA / BY ADMIN

THORO CLOTHING LTD. | CATALOG

f Like 0 t Tweet 0 g+1 0 + Share

Catalogs created for sales and distribution of new thoro clothing line.

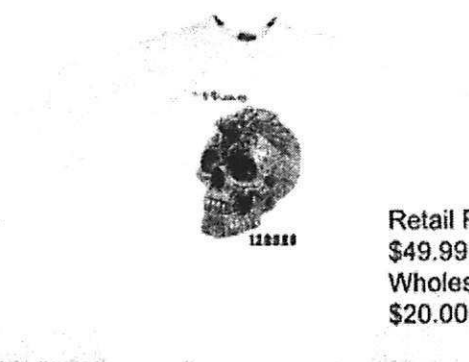


Stuntin



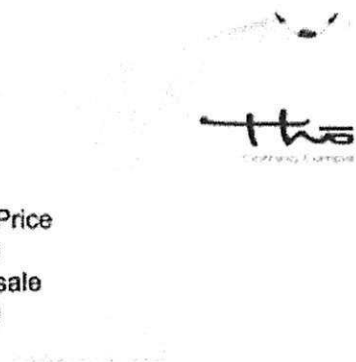
Retail Price
\$24.99
Wholesale
\$9.00

Skull Head Shirt

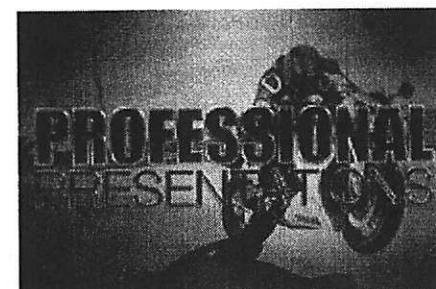


Retail Price
\$49.99
Wholesale
\$20.00

Signature



RECENT WORK



CALENDAR

DECEMBER 2014

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20

thoro

SPORTSWEAR

www.thorosportswear.com



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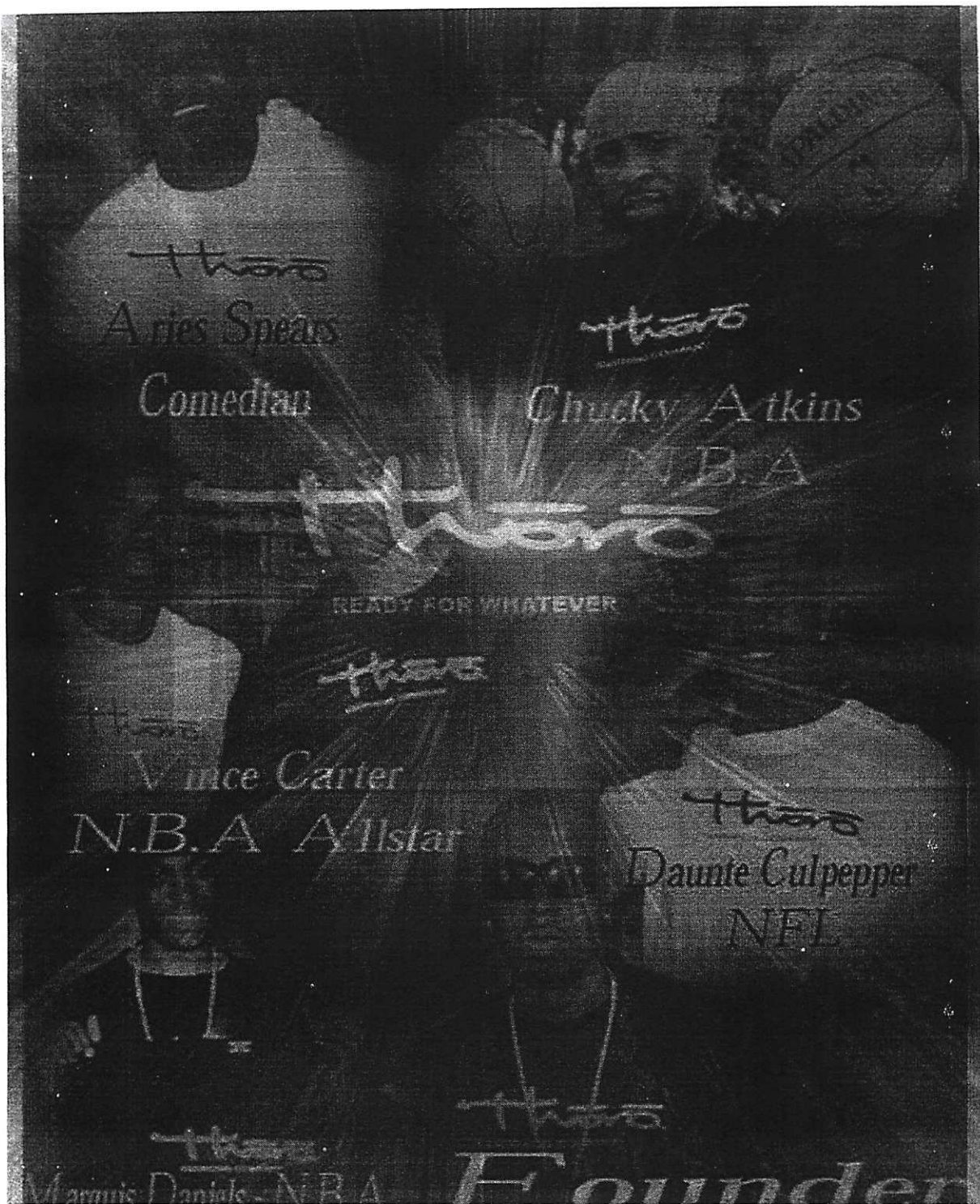
[@thorosportswear](https://twitter.com/thorosportswear)

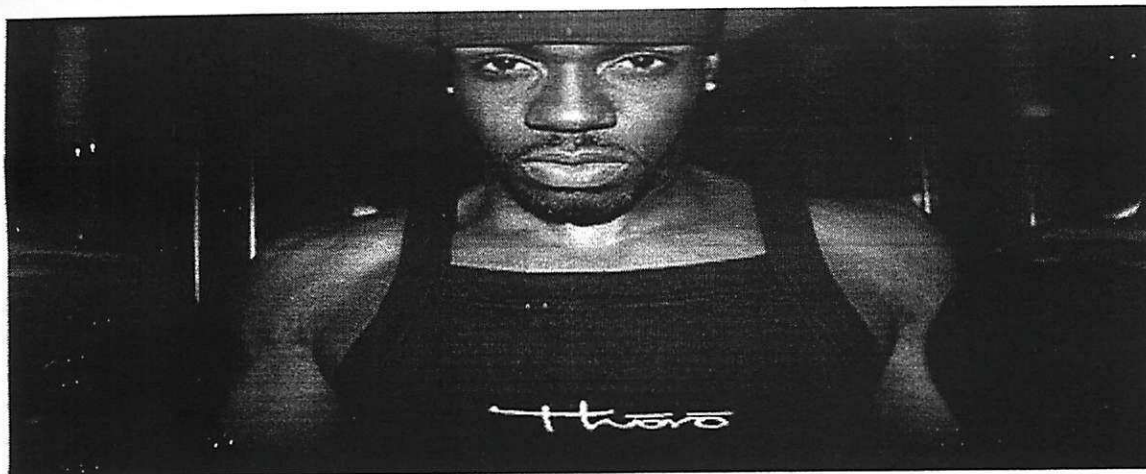


[@thorosportswear](https://www.instagram.com/thorosportswear)

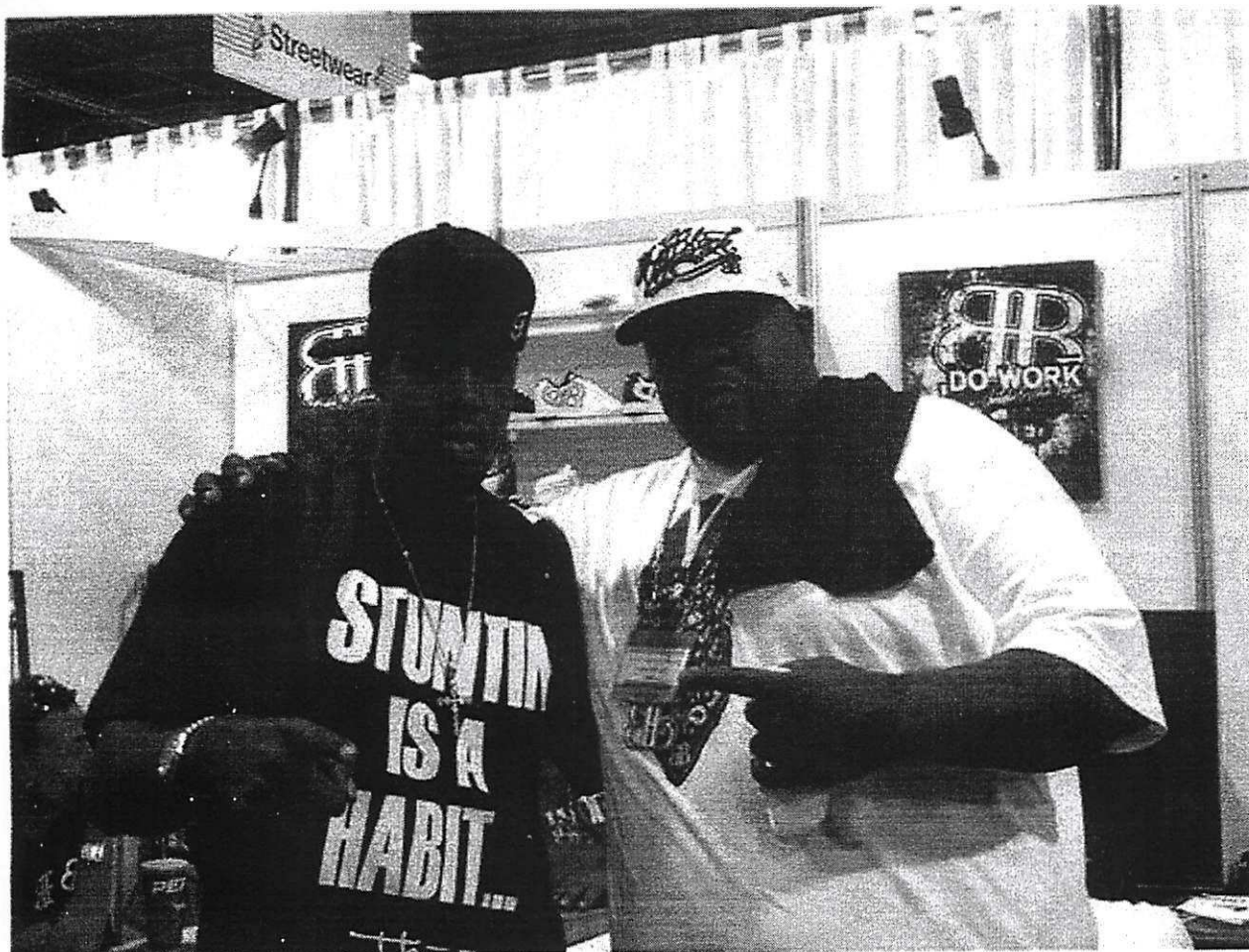


thorosportswear@gmail.com





THO 00015





THO 00017

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK TRIAL
AND APPEAL BOARD

LeMans Corporation, : Opposer, :

v.

: Opposition No. 91214578

: LeMar Xavier Lewis, : Applicant. :

Applicants Response To Opposers Interrogatories 1-16

INTERROGATORY NO. 1

Identify with each product and/or service promoted or sold, or proposed to be
promoted or sold by Applicant (see definitions and instructions) under the designation

"THORO" (see definitions and instructions) at any time in the United States,

Sportswear, Gym Bags, Headware, eyewear, sports/athletic/gym equipment, body care products,
jewelry, fragrances

INTERROGATORY NO. 2

Identify the person or persons in the employ of or associated in any manner with
Applicant most knowledgeable with respect to the following.

Selection and adoption of the designation "THORO" for the products set forth in
application Serial No. 85/956,925;

the current uses and any intended uses of the designation "THORO" (including any
composite or design presentations); and

any sales and advertising, or intended sales and advertising of any of the products

identified in application Serial No. 85/956,925 or any services offered or to be offered under the
designation "THORO" (including any composite or design terms incorporating the designation

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

"THORO").

Diondre Lewis

Jason Alphonso

INTERROGATORY NO. 3

Identify each publication and broadcast advertisement (e.g., radio, television, email, web site) authorized by or on behalf of Applicant in which any of the goods and/or services identified in application Serial No. 85/956,925 have been offered under the designation "THORO" (including any composite or stylized terms incorporating the designation "THORO") by identifying the following:

The title(s) and date(s) of each publication in which any advertisement appeared or is scheduled to appear; and

Each actual or scheduled broadcast by date(s), and station(s) or web site(s), and whether the broadcast was or will be on radio, television or computer.

Response

Thoro "Willis Mcgahee" television advertising 2007

Daunte Culpepper Television add "ESPN" 2007

Thorowear.com company website

INTERROGATORY NO. 4

Identify any instances of actual confusion, mistake or deception known to Applicant as to the source or origin, a sponsorship or an association as between its use of "THORO" (including any composite or stylized terms incorporating the designation "THORO") for any goods and/or services and Opposer's use of THOR, by identifying for each such instance the following:

the date of such instance and the person or entity confused;

the nature of the confusion; and

the person in Applicant's organization to whom the instance was reported or to whose

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

attention the instance was first brought.

Response

None to my knowledge

INTERROGATORY NO. 5

Identify (see definitions and instructions) all third persons using, applying for or having registered any mark or designation incorporating the term "THORO", "THOR" or a phonetic equivalent to "THOR" that Applicant shall rely on in support of any claimed affirmative defenses in Applicant's Answer. On such uses, applications or registrations and state:

(a) the mark/designation being used and/or the mark applied for or registered the goods and/or services offered or proposed to be offered under the mark/designation, and when Applicant first became aware of such use, application or registration.

Response

None applicable.

INTERROGATORY NO. 6

Identify the activity which provided the basis for the claim of bona fide use of the THORO mark in commerce on September 5, 2001 for the products identified in Application Serial No. 86/956,925, specifically including the nature of the use and the point of sale for any alleged products.

Response:

The production of clothing and apparel with a label "Thoro" on tags namely labels on the apparel. Products where sold face to face to family, friends , close associates and at times the general public.

INTERROGATORY NO. 7

Identify the activity which provided the basis for the claim of bona fide continuing use of

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

the THORO mark in commerce on June 11, 2013 for the products identified in Application Serial No. 86/956,925, specifically including the nature of the use and the point of sale for any alleged products.

Response:

*Sales events, tradeshow, promoting at various venues, celebrity promotions, signs and banner product.

INTERROGATORY NO. 8

Identify the activity which provided the basis for the claim of bona fide continuing use of the THORO mark in commerce on October 21, 2012 as reflected in Registration No. 3,206,498, specifically including the nature of the use and the point of sale for any alleged products.

Response:

🕒 Website, various sales events

INTERROGATORY NO. 9

Identify any and all periods of non-use of the THORO mark since the claim of bona fide use in commerce on September 5, 2001. 3,206,498

Response:

*None

INTERROGATORY NO. 10

Identify the reason that a Section 15 Affidavit of Incontestability was not filed with the Section 8 Continued Use Affidavit on October 21, 2012 in connection with Registration No.

Response:

None applicable

INTERROGATORY NO. 11

Describe when and by what means Applicant first became aware of Opposer's THOR products and/or services. Further, identify the person or persons who first became aware of

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

Opposer's THOR products and/or services.

Response

Not Applicable

INTERROGATORY NO. 12

Describe with particularity all of the channels of trade in or through which Applicant markets and sells, or intends to market and sell, under the designation "THORO" any of the products and/or services offered by Applicant,

Response

Website, various sales events , sportswear retailers..

INTERROGATORY NO. 13

Identify all bases that Applicant shall rely upon for the Applicant's assertions in Affirmative Defense No. 1 that:

- (a) Opposer's Registrations are directed to goods and/or services which are are "distinguishable" from the Applicant's goods;
- (b) Opposer's Registrations are directed to channels of trade which are are "distinguishable" from the Applicant's channels of trade; and
- (c) Opposer's Registrations are directed to consumers who are "distinguishable" from the Applicant's consumers; INTERROGATORY NO. 14

Identify with particularity how, if at all, Applicant plans to market any of the products and/or services offered under the THORO name or mark to any consumer base or market.

Response:

Website, Social Media, Flyers, Brochures, Print Ads, Radio ads, Television Ads, Celebrity endorsements

INTERROGATORY NO. 15

Identify (a) all authorized licensees of the THORO marks; and (b) any assignments to

THOROSPORTSWEAR INVESTOR PROSPECTUS INPUTS

which Applicant is a party that relate to the THORO marks.

Response

None

INTERROGATORY NO. 16

Identify those persons who had more than a clerical role in the answering of the foregoing interrogatories or in any search for documents in connection with said interrogatories or the Opposer's First Request for Production of Documents.

Response

N.A

Date: May 5 , 2015

Submitted by,

/LeMar Lewis/

LeMar Lewis

LeMar Lewis

33 W. Tradestreet

Charlotte N.C 28202

Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSER'S FIRST SET OF INTERROGATORIES was served via electric mail on this 5th day Of May, 2015 upon the following:

Tara M. Vold, at trademark@vwiplaw.com, Vold & Williamson PLLC, 8521 Greensboro Drive, Suite 340, Mclean, VA 22102